



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

## CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Monday May 6, 2013

*The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.*

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	Employees	Berg	<b>RL 13-72:</b> Amending § 124-17 of the Code of the City of Binghamton, Regarding Employee Benefits	9-10	Matthew T. Ryan
	Finance	Webb	<b>RL 13-77:</b> Authorizing a Transfer of \$30,300 from DPW Contingency to Code Enforcement Personnel Services	28	
6:15pm	Finance	Webb	<b>RL 13-71:</b> Creating & Funding a Budget Line in the Binghamton-Johnson City Joint Sewage Board Budget for Procurement of Rental Space	6-8	George Kolba
6:30pm	-----	-----	<b>Discussion:</b> Asphalt Recycler	-----	Terry Kellogg
6:45pm	-----	-----	<b>Discussion:</b> Review of City's Reserve Fund	-----	Charlie Pearsall
7:00pm	-----	-----	<b>Discussion:</b> Request for Proposal Process	-----	Mike Dervay, Kenneth J. Frank
7:15pm	Finance	Webb	<b>RL 13-69:</b> Transfer of Various CDBG Funds for Reconciliation	3-4	Tarik Abdelazim, Lori Clift
7:30pm	-----	-----	<b>Discussion:</b> Ross Park Amphitheater Project	41-43	Tarik Abdelazim
7:45pm	Planning	Webb	<b>RL 13-75:</b> Business Friendly Zoning Code Reforms	13-21	Leigh McCullen
8:00pm	Planning	Webb	<b>RL 13-79:</b> Revised Intermunicipal Agreement for Susquehanna Heritage Area Commission	30-40	H. Peter L'Orange
8:15pm	Planning	Webb	<b>RL 13-78:</b> Approving Sale of Restore NY Properties for the One Dollar Healthy Home Initiative	29	Steve Quinn
8:30pm	Finance	Webb	<b>RL 13-73:</b> Increasing Emergency Shelter Grant Funds for Volunteers of America	11	Jennifer Taylor
	Finance	Webb	<b>RL 13-74:</b> Increasing Emergency Shelter Grant Funds for YWCA of Binghamton/Broome County	12	
8:45pm	-----	-----	<b>Discussion:</b> Update on Code Enforcement Plans in the City of Binghamton	-----	Tom Costello
	-----	-----	<b>Discussion:</b> Implementation of Rental Registration	-----	



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
9:00pm	Finance -----	Webb -----	<b>RL 13-76:</b> Authorizing Various Transfers within the 2013 Parks & Recreation Department Budget <b>Discussion:</b> Overview of Physical Conditions of Parks in the City of Binghamton	22-27 -----	Bill Barber
9:30pm	Planning  Planning	Webb  Webb	<b>RL 13-68:</b> Approving the Sale of 33 Properties Pursuant to April 2013 Broome County Auction <b>RL 13-70:</b> Sale of 194 Murray Street to Trout Brook Housing for \$8,000	1-2  5	Kenneth J. Frank
10:30pm	-----	-----	<b>Discussion:</b> Noise Variance for Zona	44-46	Angela Holmes
10:45pm	-----	-----	<b>Discussion:</b> Community Food System Zoning Amendment	-----	Councilwoman Webb
11:00pm	-----	-----	<b>Discussion:</b> Liquor Liability Insurance Requirements for Outdoor Café Permits	-----	Councilman Papastrat
11:15pm	Council	Rennia	<b>Discussion:</b> Reviewing Committee Reports & Draft Legislation	-----	Council President Rennia

## COMMITTEE REPORTS

### **City Council Planning & Community Development Committee: Webb (Chair), Berg, Mihalko**

RL 12-133, entitled “An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock”. Recommendations submitted to the Planning Commission for review.

### **City Council Employees Committee: Berg (Chair), Webb, Papastrat**

Introductory Ordinance 10-9, entitled “An Ordinance limiting all non-union employees to the PPO-B health insurance plan effective January 1, 2011”. Referred to Employees Committee on February 3, 2010.

### **City Council Rules & Procedures/Special Studies Committee: Berg (Chair), Motsavage, Papastrat**

Identifying alternative police patrol options.



# Legislative Branch

RL Number:  
13-68  
Date Submitted:  
4/18/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: Kenneth Frank  
Title/Department: Corporation Counsel  
Contact Information: 772-7013

### RL Information

Proposed Title: An Ordinance Authorizing the Sale of 33 Properties Pursuant to the April 2013  
Broome County Auction

Suggested Content: To be Drafter by Corp. Counsel

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): \_\_\_\_\_

OFFICE USE ONLY	
Mayor:	<u>Matthew D. Dy</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

Prepared by:  
Chloe A. Riley-Haner  
All square footages per assessor records.

**City 2010 In-Rem**  
Last date of redemption 7-12-2012

CITY OF BINGHAMTON PROPERTIES							
Bidder	Address	Serial	Town	Address	Deposit	CK # / Cash	Balance
Kae Guardl	412 S Jensen Rd, Vestal NY 13850	COB23	C-Binghamton	71 Tompkins St	\$ 300.00	1858	\$ -
Webster Real Estate	32 Vermont Ave, Binghamton NY 13905	COB26	C-Binghamton	96 Schubert St	\$ 500.00	5061	\$ 500.00
Webster Real Estate	32 Vermont Ave, Binghamton NY 13905	COB33	C-Binghamton	91 Kneeland Ave	\$ 100.00	5061	\$ -
Webster Real Estate	32 Vermont Ave, Binghamton NY 13905	COB29	C-Binghamton	95 Pine St	\$ 25.00	5061	\$ -
Webster Real Estate	32 Vermont Ave, Binghamton NY 13905	COB36	C-Binghamton	38 Medford St	\$ 25.00	5061	\$ -
Webster Real Estate	32 Vermont Ave, Binghamton NY 13905	COB32	C-Binghamton	183 Oak St	\$ 250.00	5061	\$ -
Joseph McHugh	36 Howell Rd, Binghamton NY 13903	COB34	C-Binghamton	168B Conklin Ave	\$ 65.00	1109	\$ -
Amanda Rodney	21 Monroe St, Binghamton NY 13904	COB8	C-Binghamton	25 Monroe St	\$ 25.00	1072	\$ -
Steven Weingartner	222 Park Ave, Binghamton NY 13903	CO38	C-Binghamton	218 Park St	\$ 125.00	561	\$ -
Terry Grippen	22 Delaware Ave, Binghamton NY 13903	COB35	C-Binghamton	24 Delavan Ave	\$ 50.00	3151	\$ -
Harry Ginty	3 Davis Rd #4, Binghamton NY 13901	COB39	C-Binghamton	17 Harding Ave	\$ 50.00	1174	\$ -
Steven Ritter	11 Taber St, Johnson City NY 13790	COB20	C-Binghamton	95 Robinson St	\$ 300.00	212	\$ -
Russell Phelps	PO Box 330, Binghamton NY 13902	COB28	C-Binghamton	24 Morgan St	\$ 450.00	6516	\$ -
Russell Phelps	PO Box 330, Binghamton NY 13902	COB24	C-Binghamton	12 Dewey Ave	\$ 150.00	6516	\$ -
518 Strategic Properties LLC	2-4 Badger Ave, Endicott NY 13760	COB31	C-Binghamton	1 Tremont Ave	\$ 650.00	661	\$ -
Cuong Van Nguyen	170 Clinton St, Binghamton NY 13905	COB27	C-Binghamton	33 Lake Ave	\$ 500.00	1097	\$ 300.00
T Patrick Regan	125 Cray Ave, Binghamton NY 13905	COB12	C-Binghamton	41 Crandall St	\$ 50.00	1245	\$ -
Colonial Plaza Assoc	2548 Vestal Parkway East, Vestal NY 13850	COB12	C-Binghamton	2 Shear St	\$ 500.00	1256	\$ -
J & K Plumbing	24 Thorpe St, Binghamton NY 13903	COB14	C-Binghamton	3 Florence St	\$ 550.00	11518	\$ 4,950.00
Albert DiLuzio	PO Box 339, Binghamton NY 13902	COB2	C-Binghamton	126 Eldrige St	\$ 500.00	1389	\$ 500.00
Nasreen Battia	705 Marion Dr, Johnson City NY 13790	COB16	C-Binghamton	31 Glenwood Ave	\$ 500.00	1781	\$ 2,150.00
Nasreen Battia	705 Marion Dr, Johnson City NY 13790	COB17	C-Binghamton	33 Glenwood Ave			
Nasreen Battia	705 Marion Dr, Johnson City NY 13790	COB11	C-Binghamton	32 Carroll St	\$ 500.00	1781	\$ 400.00
Jack Weiss	377 Bevier St, Binghamton NY 13904	COB15	C-Binghamton	15 Glenwood Ave	\$ 600.00	1362	\$ -
Jesus Clarke	29 Medford St, Binghamton NY 13903	COB40	C-Binghamton	36 Delmar Ave	\$ 25.00	CASH	\$ -
Jesus Clarke	29 Medford St, Binghamton NY 13903	COB30	C-Binghamton	139 Gaylord St	\$ 25.00	CASH	\$ -
Deanna Barreau	32 Medford St, Binghamton NY 13903	COB37	C-Binghamton	34 Medford St	\$ 75.00	CASH	\$ -
Redrock NYS Inc	75 Maiden Lane Ste 210, NY NY 130038	COB25	C-Binghamton	21 Eldridge St	\$ 50.00	CASH	\$ -
Jason Carl	42 Rush Ave, Binghamton NY 13903	COB13	C-Binghamton	66 Decatur St	\$ 100.00	CASH	\$ -
Andrew Plaisted	27 Tinkham Rd, Waverly NY 14892	COB10	C-Binghamton	87 Saratoga St	\$ 10.00	CASH	\$ -
Edmund & Anne Patton	127 1/2 Oak St, Binghamton NY 13905	COB40	C-Binghamton	184 Henry St	\$ 500.00	CASH	\$ 450.00
Charles Evans	138 Henry St, Binghamton NY 13901	COB19	C-Binghamton	132 Robinson St	\$ 400.00	CASH	\$ -
Vincent Wheeler	576 Chenango St, Binghamton NY 13901	COB7	C-Binghamton	5 Amsbury St R	\$ 7.50	CASH	\$ -



# Legislative Branch

RL Number:

13-69

Date Submitted:

4/24/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Tarik Abdelazim & Lori Clift

Title/Department: Director, PHCD / Finance Data Operator

Contact Information: \_\_\_\_\_

### RL Information

Proposed Title: Ordinance Authorizing the Transfer of CDBG Funds as Part of a Multi-Year

Financial Review and Reconciliation Effort

Suggested Content: Will work with Legal / See attached summary of all proposed transfers

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): \_\_\_\_\_

### OFFICE USE ONLY

Mayor: \_\_\_\_\_

Comptroller: \_\_\_\_\_

Corporation Counsel: \_\_\_\_\_

Finance ☐

Planning ☐

MPA ☐

PW/Parks ☐

Employees ☐

Rules/Special Studies ☐

Decrease Appropriation		Increase Appropriation	
CD7310	533516 CDY32 YOUTH PROGRAMMING		
CD8540	533513 CDY32 FLOOD RELIEF	CD8689	533503 CDY32 ADMIN FUNDS - EC DEV 540.84
CD8662	533506 CDY32 PUBLIC INFRASTRUCTURE	CD8676	533515 CDY32 HUMAN SERVICES 347.42
CD8662	533507 CDY32 PARKS IMPROVEMENTS	CD8686	533501 CDY33 ADMIN FUNDS - ADMIN 51,085.72
CD8668	533504 CDY32 ADMIN FUNDS - HOUSING		
CD8668	533509 CDY32 HOMEOWNERSHIP / REHAB		
CD8689	533510 CDY32 FIRST WARD ACTION COUNCIL		
			51,973.98
CD6889	533503 CDY33 ADMIN FUNDS - EC DEV	CD8662	533506 CDY33 PUBLIC INFRASTRUCTURE 78,256.30
CD8510	533517 CDY33 NEIGHBORHOOD BEAUTIFICATION	CD8668	533509 CDY33 Homeownership/Rehab 3,705.05
CD8511	533518 CDY33 NEIGHBORHOOD DEV PROJECTS	CD8686	533501 CDY33 ADMIN FUNDS - ADMIN 9,321.17
CD8664	533505 CDY33 ADMIN FUNDS - CODE ENF		
CD8668	533504 CDY33 ADMIN FUNDS - HOUSING		
CD8676	533515 CDY33 HUMAN SERVICES		
CD8684	533502 CDY33 ADMIN FUNDS - PLANNING		
CD8689	533510 CDY33 FIRST WARD ACTION COUNCIL		
			91,282.52
CD6889	533503 CDY34 ADMIN FUNDS - EC DEV	CD8664	533505 CDY34 ADMIN FUNDS - CODE ENF 2,695.54
CD8510	533517 CDY34 NEIGHBORHOOD BEAUTIFICATION	CD8668	533509 CDY34 HOMEOWNERSHIP/REHAB 3,922.63
CD8511	533518 CDY34 NEIGHBORHOOD DEV PROJECTS	CD8698	533512 CDY34 SECTION 108 LOAN REPAYMENT 131,696.41
CD8662	533506 CDY34 PUBLIC INFRASTRUCTURE		
CD8668	533504 CDY34 ADMIN FUNDS - HOUSING		
CD8676	533515 CDY34 HUMAN SERVICES		
CD8684	533502 CDY34 ADMIN FUNDS - PLANNING		
CD8686	533501 CDY34 ADMIN FUNDS - ADMIN		
CD8689	533510 CDY34 FIRST WARD ACTION COUNCIL		
			138,314.58
CD8686	533501 CDY35 ADMIN FUNDS - ADMIN	CD7310	533516 CDY35 YOUTH PROGRAMMING 37.88
		CD8698	533512 CDY35 SECTION 108 LOAN REPAYMENT 17,848.14
			17,886.02
CD6889	533503 CDY36 ADMIN FUNDS - EC DEV	CD8668	533504 CDY36 ADMIN FUNDS - HOUSING 9,595.22
CD8684	533502 CDY36 ADMIN FUNDS - PLANNING	CD8686	533501 CDY36 ADMIN FUNDS - ADMIN 10,294.59
		CD8662	533507 CDY36 PARKS IMPROVEMENTS 598.39
			20,488.20



# Legislative Branch

RL Number:

13-70

Date Submitted:

4/29/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Kenneth Frank

Title/Department: Corporation Counsel

Contact Information: 772-7013

### RL Information

Proposed Title: AN ORDINANCE AUTHORIZING THE SALE OF 194 MURRAY STREET  
TO TROUT BROOK HOUSING DEVELOPMENT FUND CORPORATION FOR \$8,000

Suggested Content: A sale was approved to FWAC on May 18, 2009 by Perm. No. R09-055.

FWAC has assigned the right to purchase to Trout Brook, but given the 4 year delay, it should be  
approved again. Please approve on May 8 to meet State funding guidelines.

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Reso: R09-055

OFFICE USE ONLY	
Mayor:	<u>Matthew Dy</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-71

Date Submitted:

4/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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RECEIVED

### Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

APR 30 2013

Title/Department:

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

Contact Information: POC: George Kolba, Chairman (754-8787)

### RL Information

Proposed Title: An Ordinance Creating a New Budget Line in the 2013 Joint Sewage

Board Budget for Procurement of Rental Space and to Authorize the Transfer of Existing Funds to the  
New Budget Line.

Suggested Content:

(please see proposed resolution wording attached)

### Additional Information

Does this RL concern grant funding?

Yes ☐No ☒

If 'Yes', is the required RL Grant Worksheet attached?

Yes ☐No ☐

Is additional information related to the RL attached?

Yes ☒No ☐

Is RL related to previously adopted legislation?

Yes ☐No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 2013 JSB Budget

### OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒Planning ☐MPA ☐PW/Parks ☐Employees ☐Rules/Special Studies ☐



PROPOSED LEGISLATION WORDING

**ORDINANCE**  
*entitled*

AN ORDINANCE CREATING A NEW BUDGET LINE  
IN THE 2013 JOINT SEWAGE BOARD BUDGET FOR  
PROCUREMENT OF RENTAL SPACE AND TO  
AUTHORIZE THE TRANSFER OF EXISTING FUNDS  
TO THE NEW BUDGET LINE.

WHEREAS, the City of Binghamton is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the "JSTF") with the Village of Johnson City; and

WHEREAS, the JSTF is operated pursuant to an Intermunicipal Agreement as amended from time to time; and

WHEREAS, pursuant to the Intermunicipal Agreement, Amendment No. VII, the City and the Village must approve creation of a new budget line in the Joint Sewage Board's ("Sewage Board") budget; and

WHEREAS, the Sewage Board is presently in need of rental space to support the healthful, safe, and proper operation of the JSTF; and

WHEREAS, funds to procure rental space are not presently designated in the Sewage Board's 2013 operating budget; and

WHEREAS, the Sewage Board has identified the funds needed to accommodate the Sewage Board's present need to procure rental space from the unencumbered balance of 2013 operating budget line J8130.54202 ("ELECTRICITY") in the amount of \$12,500 and from J8130.55000 ("CONTINGENCY") in the amount of \$10,000 in the Sewage Board's 2013 operating budget,

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That a new budget line is hereby authorized to be created in the Joint Sewage Board 2013 operating budget to be named "LEASE/RENTAL SPACE" and the Joint Sewage Board Fiscal Officer is directed and authorized to create such new operating budget line and transfer \$22,500 in unencumbered funds to the new line so created from the following 2013 operating budget lines, in the following amounts:

from J8130.54202 ("ELECTRICITY") in the amount of \$12,500; and

from J8130.55000 ("CONTINGENCY") in the amount of \$10,000;

and

Section 2. That this ordinance shall take effect immediately upon the approval of 75% of the combined legislators of the City and the Village.

I HEREBY CERTIFY that the above-described funds are unencumbered and available.

---

CHARLES L. PEARSALL, Acting Comptroller and  
Joint Sewage Board Fiscal Officer



# Legislative Branch

RL Number:

13-72

Date Submitted:

4/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Matthew T. Ryan

Title/Department: Mayor

Contact Information: 772-7001

### RL Information

Proposed Title: An Ordinance Extending the Code of the City of Binghamton Section 124-17,  
Employee Benefits, Through December 31, 2013.

Suggested Content: To be drafted by Corp. Counsel

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

### OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐

Planning ☐

MPA ☐

PW/Parks ☐

Employees ☐

Rules/Special Studies ☐

**ARTICLE VII, Employee Benefits**

**§ 124-17. Annual leave. [Amended 12-20-1999 by Ord. No. 99-187; Amended 4-7-08 by Ord. No. 16-2008; Amended 12-21-09 by Ord. No. 42-2009]**

B. Officers, employees not represented by recognized employee organizations. Any officer or employee of the City of Binghamton who is not represented by a recognized employee organization pursuant to the provisions of Article 14 of the Civil Service Law shall earn annual leave at the rates set forth hereinafter: (1) Officers and employees of the City of Binghamton (the "City") shall earn and accumulate annual leave credits at the rate of 1/2 day per semimonthly period *or as may be awarded by the Mayor up to 20 days a year.* An officer or employee shall not earn annual leave credit for any semimonthly pay period unless he or she is in full pay status for at least seven workdays during such semimonthly pay period. *If the Mayor awards annual leave days in excess of ½ day per semimonthly period and the additional annual leave days below, then additional annual leave days will not accrue until total annual leave days awarded equal total annual leave days accumulated. The amended language herein in italics will sunset and be null and void as of December 31, 2010, unless extended by City Council.*



# Legislative Branch

RL Number:  
13-73

Date Submitted:  
5/1/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Jennifer Taylor

Title/Department: Grants Administrator, PHCD

Contact Information: jmtaylor@cityofbinghamton.com

### RL Information

Proposed Title: A resolution authorizing an amendment of Permanent Resolution 13-42  
to increase Emergency Shelter Grants funding to the Volunteers of America  
(Currently \$33,000.00 from CD 6142. 533550.CDY32)

Suggested Content: To be drafted by Corporation Counsel

\*HUD has provided the City with an extension to expend available Emergency Shelter Grants funding;  
increased contractual amount will be discussed at Council work session

### Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R13-42

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Ryan</u>
Comptroller:	<u>Charles J. Smith</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-24

Date Submitted:

5/1/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

### Applicant Information

Request submitted by: Jennifer Taylor

Title/Department: Grants Administrator, PHCD

Contact Information: jmtaylor@cityofbinghamton.com

### RL Information

Proposed Title: A resolution authorizing an amendment of Permanent Resolution 13-41

to increase Emergency Shelter Grants funding to the YWCA of Binghamton/Broome County

(currently \$36,095.00 fr. CD 6142, 533550. CDY32)

Suggested Content: To be drafted by Corporation Counsel

\*HUD has provided the City with an extension to expend available Emergency Shelter Grants funding;

increased contractual amount will be discussed at Council work session

### Additional Information




Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R13-41

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-25

Date Submitted:

5/1/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

### Applicant Information

Request submitted by: Leigh McCullen

Title/Department: Senior Planner / PHCD

Contact Information: lamccullen@cityofbinghamton.com

### RL Information

Proposed Title: Business Friendly Zoning Code Amendments

Suggested Content: Legislation to be drafted. See attached memorandum.

To be reviewed by Corp. Council

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Ord. No. 06-31

### OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐

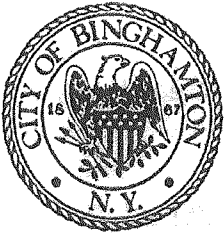
Planning ☐

MPA ☐

PW/Parks ☐

Employees ☐

Rules/Special Studies ☐



Matthew T. Ryan, Mayor  
Tarik Abdelazim, Director

# Department of Planning, Housing, & Community Development

## Business Friendly Zoning Code Reforms

At the March 18 Work Session City Council directed Staff to prepare Zoning Code amendments designed to result in a more streamlined, efficient, timely and predictable development review process. Specific code updates, such as reducing burdensome parking requirements and creating new land use definitions, will support new business development by reducing processing delays. This proposal also reflects policy direction set forth in the Comprehensive Plan to create a simpler, user-friendly and easily interpretable Zoning Code. A summary list of all proposed changes can be found below.

At the May 6 Work Session parking and notification updates will be discussed. The proposed amendments and changes to the parking and notification procedures are attached. As directed by City Council, staff will return with the remaining amendments.

### Reduce the need for parking variances

- Incentivize new businesses to open within existing vacant underutilized storefronts by eliminating parking requirements for existing nonresidential tenant spaces that are less than 2,500 square feet.
- Incentivize the rehabilitation and adaptive reuse of Landmark structures by creating provisions that would authorize the Planning Commission to waive or reduce parking for new uses in a Landmark structure.
- Expand off-site parking allowances and create forms and uniform procedures designed to expedite approval of shared parking agreements.

Outcomes: Support new business development, reduce delays in opening a new business, expedite review and approval of development applications, reduce variances related to parking, and reduce the need to create paved parking lots.

### 'Clean up' Code to improve predictability and ease of use

- Remove Series B Site Plan review from Code which had previously been removed by City Council Ordinance but never redacted from Code. Removal of Series B clarifies that more uses are permitted by right and eligible for site plan exception review. Significantly more land uses would be exempt from public hearing requirements which would result in expedited review and approval of more development applications.
- Update land use definitions to be consistent with current business practices allowing potential business owners and staff to more easily identify the proper use classification for proposed businesses.
- Add references throughout Code. For example when a land use in a zoning district is subject to particular criteria, the section number where the applicable criteria will be added next to that land use.



- **General maintenance to reduce redundancies and improve clarity.**

Outcomes: Improve clarity, predictability, and consistency of Zoning Code resulting in a more streamlined, efficient, timely and predictable development review process.

**Reduce public notice requirement from 10 to 7 calendar days and create staff notification provisions.**

Outcomes: Reduce costs to applicant related to certified mailing and newspaper notices; reduce notification errors resulting in delayed public hearings.

**In the C-1 and C-2 zones prohibit the conversion of ground floor commercial spaces to residential.**

Outcomes: Maintain the integrity of commercial streets and preserve commercial store fronts for small business development.

## Contents:

- I. Parking
- II. Public Notice

## Explanation of mark up:

Black text currently exists in the code

Red text is proposed

~~Strikethrough text~~ currently exists in the code and will be eliminated

## I. Parking

**Background:** The Zoning Code came into effect well after the construction of much of the City's building stock. As a result many of the buildings in town do not have, nor can they accommodate, parking as required by the Code. Currently, other than in the C-2 Zone, the Code provides no relief from the parking requirements for new businesses opening within existing storefronts except through the variance process. Any new business is therefore required to provide parking in the amount prescribed by the Code or seek a variance from the requirement. The variance process adds a minimum 30 day wait time before any business or development activity can occur. Since 2009, 33% of all variance cases have been parking related; 20% of those sought relief from the minimum number of required off-street parking spaces. These statistics clearly indicate that changes to the Code related to parking are warranted and necessary to reduce delays in the development review process.

**Summary of Changes:** Eliminate parking requirements for the first 2,500 square feet of existing nonresidential tenant spaces. Create provisions that would authorize the Planning Commission to waive or reduce parking for new uses in a Landmark structure. Expand off-site parking allowances.

**Outcomes:** Outcomes: Support new business development, reduce costs and delays associated with opening a new business by expediting the review and approval of development applications, reduce variances related to parking, and reduce the need to create paved parking lots.

## ARTICLE X, Off-Street Parking, Loading and Storage

### §410-51. Standards.

#### E. Location.

- (1) Except as may otherwise be specified in this chapter, all required parking spaces in R-1 and R-2 Residential Districts shall be located on the same lot as the building or use to be served. In other districts, required off-street parking space may be provided in a private or public off-site facility. The distance from the lot line of such off-site parking facility to the closest lot line of the building or use it is intended to serve shall be no greater than 250 feet for the R-3 Residential District, and ~~500-800~~ feet from all commercial and industrial districts.

### §410-53. Off-street parking requirements by land use.

- A. Downtown Business (C-2) District. Off-street parking requirements shall not apply to any existing buildings located in the Downtown Business (C-2) District where no parking presently exists and there is no opportunity to provide it.

- B. In all Zoning Districts except the C-2, off-street parking requirements contained in Schedule III shall not apply to a non-residential land use occupying a tenant space with two-thousand five-hundred (2,500) square feet or less in gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the Zoning Code or any amendment thereto.
- C. In all Zoning Districts except the C-2, a non-residential land use occupying a tenant space with greater than two-thousand five-hundred (2,500) square feet of gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the Zoning Code or any amendments thereto, shall only be required to provide off-street parking as prescribed in Schedule III for the portion of the floor area that exceeds 2,500 square feet.
- D. Existing Parking and Loading to Be Maintained. No existing parking space(s) or loading space(s) serving any activity or use shall be reduced in amount or changed in design, location, or maintenance that would result in non-compliance with the Zoning Code, or if providing an amount of off-street parking or loading area less than required, shall not be further reduced below the requirements prescribed in Schedule III for such activity or use, unless equivalent substitute parking and/or loading space(s) are provided.
- E. Reduction of off-street parking requirements for Landmark Properties. The Planning Commission may reduce or waive the minimum off-street parking requirement for a permitted use in a designated Local Landmark structure or structure listed in the National Register of Historic Places, subject to the following criteria and procedures:
1. In making any such reduction or waiver, the Planning Commission shall assess area parking needs. The Commission may require a survey of on- and off-street parking availability. The Commission may take into account the level of transit service in the immediate area; the probable relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.
  2. The Planning Commission may also consider the types and scale of uses proposed or practical in the Landmark structure and any standards, specifications or guidelines applicable to the structure or site.
  3. Such a reduction or waiver may be allowed only if the Planning Commission also determines that there is no feasible way to meet parking requirements on the lot.
  4. Prior to the approval of such reduction or waiver, a public hearing shall be held by Planning Commission pursuant to §410-39 (D) 2.

## **II. Public Notice**

**Background:** Current notification procedures for Planning Commission and the Zoning Code public hearings require that applicants provide at least 10 days notice via certified mail and that a legal ad be placed in Press and Sun Bulletin. This process can be complicated for applicants unfamiliar with the process and costly. The cost of one certified letter is \$3.10 and the cost of a legal ad on average is \$30 to \$40 plus \$35 for an affidavit of publication from the Press and Sun. The average cost of all noticing requirements is approximately \$115, not including the applicant's time.

**Summary of Changes:** Create fee based\* alternative staff notification procedures and reduce notification period to 7 days consistent with state law. Costs will be reduced by eliminating certified mailing and newspaper affidavit requirements when notification is performed by staff. An affidavit of notice will be prepared by Staff

and an emailed proof of legal notice from the Press and Sun will service in lieu of certified mail and newspaper affidavit.

**Outcomes:** Reduce costs to applicant related to certified mailing and newspaper notices. Reduce notification errors resulting in delayed public hearings. Reduce notification for 10 to 7 days to be consistent with state law.

\*Staff seeks direction from Council on the notification fee. Options to consider include a flat fee charged to all who choose staff notification (easiest to administer) or a fee assessed for each individual project based upon actual notification costs and staff time. Amendments to the City's fee schedule will be presented based upon Council's preference.

#### **§410-39. Procedure.**

##### **D. Public hearing and public notices.**

- (1) Public hearing. The Planning Commission shall hold a public hearing on the Series A Site Plan review application within 45 days from the date a complete application is received by the Planning Department and the Planning Commission completes the required State Environmental Quality Review. The Planning Commission may, but is not required to, waive a public hearing for accessory uses.
- (2) Public notice by Applicant.
  - (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date of the hearing, excluding the hearing date
  - (b) Certified mailings. Additionally, at least ~~10-7~~ calendar days prior to the public hearing, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
  - (c) Public notice sign. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
  - (d) Verification of notice. Verification of notice as required by this §410-39D shall be submitted to the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and the return receipt form (PS Form 3811) from the post office.
  - (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.
- (3) Alternative Public notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.
  - (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 10 calendar days prior to the date of the hearing, excluding the hearing date.
  - (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a

distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.

- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.

## ARTICLE XIV, Appeals

### §410-94. Procedure for appeals.

#### B. Public notice.

- (1) Public notice by Applicant.
  - (4a) Newspaper. Due notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date thereof, excluding the hearing date.
  - (2b) Certified mailings. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
  - (3c) Public notice sign. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
  - (4d) Verification of notice. Verification of notice as required by this Subsection B shall be submitted to the Planning Department prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin, the return receipt form (PS Form 3811) from the post office, and an affidavit of sign posting.
  - (5e) Cost. The preparation and cost of publication, mailing of the required notice of public hearing, and sign posting shall be borne by the applicant.
- (2) Alternative Public notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.
  - (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 7 calendar days prior to the date of the hearing, excluding the hearing date.

- (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.





# Legislative Branch

RL Number:

13-26

Date Submitted:

5/2/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: William Barber

Title/Department: Parks and Recreation

Contact Information: 772-7017

### RL Information

Proposed Title: An Ordinance authorizing various transfers within the 2013 Parks and Recreation budget.

Suggested Content: See attached

### Additional Information

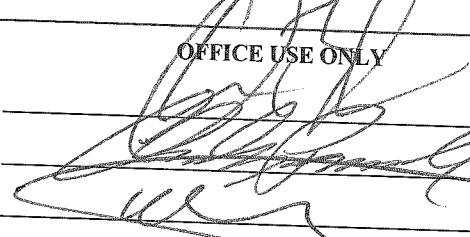


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



**PARKS & RECREATION ADMINISTRATION**

A7020.54410 Professional Service

+4,000.00

(Add) Cornell Coop. Exten. Volunteer Tree Pruner Program

1.00 @ 4,000.00

A7020.54702

Subs-Dues & Memberships

+ 400.00

(Remove) National Rec.& Park Assoc.

1.00 @ 100.00

(Add) NYS Recreation & Park Society

1.00 @ 500.00

**PARKS**

A7110.54102

General Operating Supplies

+2,250.00

Cleaning Supplies

+ 1,000.00

Hardware

+ 1,000.00

(Add) Seasonal/Temporary Shirts/Uniforms

+ 250.00

A7110.54130

Construction Materials

+3,000.00

Lumber

+1,000.00

Fencing

+1,000.00

Cement

+1,000.00

A7110.54160

Shrubs, Flowers & Trees

+1,000.00

Trees

+1,000.00

A7110.54610 Building Equipment Repair & Maintenance

+2,000.00

Lumber

+500.00

Plumbing

+500.00

Doors

+500.00

Roofing

+500.00

A7110.54641 Pool Repairs & Maintenance

+1,000.00

Equipment, Pumps, Motors

+500.00

Plumbing

+500.00

PLAYGROUNDS & RECREATION CENTERS

A7140.51800 Temporary Services

-16,500.00

(Add) Recreation Attendant Supv. @ 10.00/hr

1.00 @ 2,800.00

+ 2,800.00

(Add) Recreation Attendant Supv. @ 9.00/hr

1.00 @ 2,500.00

+ 2,500.00

Recreation Supv. @ 13.75/hr

1.00 @ 1,700.00

- 5,300.00

Recreation Attendants @ 7.25/hr

1.00 @ 78,500.00

-16,500.00

+18,700.00

Lifeguard Pool Mgr – small pool @ 7.60/hr

Lifeguard Asst Pool Mgr – small pool @ 7.45/hr

(Remove) Custodians (schools)

1.00 @ 800.00	-	800.00
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A7180.54102	General Operating Supplies
-------------	----------------------------

+3,000.00

**YOUTH PROGRAMS**

A7310.51800	Temporary Services				+5,800.00
	(Add) Recreation Attendant Supv @ 8.10/hr	1.00 @ 10,000.00	+10,000.00		
	(Remove) Recreation Attendant Supv @ 7.25 – 7.50	1.00 @ 16,000.00	+16,000.00		
	(Add) Recreation Attendant Supv @ 10.00/hr	1.00 @ 11,800.00	+11,800.00		
A7310.54445	Youth League Officials				
	Baseball, Softball, Soccer, Football	16,000.00		-4,000.00	

**ADULT RECREATION**

A7610.51800	Temporary Services				-8,000.00
	Recreation Supervisors @ 8.10/hr	1.00 @ 7,000.00	-8,000.00		
A7610.54161	Athletic Supplies	1.00 @ 4,000.00		-13,000.00	
A7610.54445	League Officials				
	Basketball & Softball	1.00 @ 42,050.00	+27,000.00	+27,000.00	

- A7620 ADULT RECREATION TITLE BECOMES SENIOR CENTER
- ALL TEMPORARY SERVICE ADJUSTMENTS HAVE A NEUTRAL IMPACT ON THE 2013 BUDGET
- THE FOLLOWING TRANSFERS ARE NECESSARY TO COVER THE INCREASES IN THE ABOVE OPERATIONAL LINES IN AN AMOUNT NOT TO EXCEED \$26,650.00

A7020.51000	ASSISTANT PARKS DIRECTOR	7,000.00
A7020.51000	LONGEVITY	1,250.00
A7110.51000	LABORER	7,500.00
A7110.51000	SENIOR GROUNDSKEEPER	6,000.00
A7110.51000	PARK MAINTAINER	2,150.00
A7110.51000	Sr. Parks Maintainer	2,750.00
TOTAL		<u>26,650.00</u>



# Legislative Branch

RL Number:

13-77

Date Submitted:

5/17/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

### Applicant Information

Request submitted by: Matthew T. Ryan, Mayor

Title/Department: Mayor

Contact Information:

### RL Information

Proposed Title:

~~More Resources for Rental Registration~~

An ordinance authorizing a transfer of \$30,000

AT 1990.55003

Suggested Content: Transfer \$30,300 from Contingency to Code Enforcement Personnel Services

A8664.51000

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

### OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐

Planning ☐

MPA ☐

PW/Parks ☐

Employees ☐

Rules/Special Studies ☐



# Legislative Branch

RL Number:

13-28

Date Submitted:

5/2/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: Steve Quinn

Title/Department: Housing Program Supervisor

Contact Information: srquinn@cityofbinghamton .com / 772-7240

### RL Information

Proposed Title: ONE DOLLAR HEALTHY HOME INITIATIVE

Suggested Content: Request City Council approval for the sale of Restore NY properties as part of the One Dollar Healthy Home Initiative.

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): \_\_\_\_\_

### OFFICE USE ONLY

Mayor: \_\_\_\_\_

Comptroller: \_\_\_\_\_

Corporation Counsel: \_\_\_\_\_

Finance ☐

Planning ☐

MPA ☐

PW/Parks ☐

Employees ☐

Rules/Special Studies ☐



# Legislative Branch

RL Number:

13-79

Date Submitted:

5/3/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

### Applicant Information

Request submitted by: H. Peter L'Orange

Title/Department: Historic Preservation Planner / PHCD

Contact Information: 7028 hplorange@cityofbinghamton.com

### RL Information

Proposed Title: A resolution authorizing the Mayor to enter into a revised intermunicipal agreement related to the Susquehanna Heritage Area Commission

Suggested Content: To be drafted by Corp. Counsel

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☒ No ☒

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): O86-137

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



AGREEMENT ESTABLISHING

THE

SUSQUEHANNA HERITAGE AREA COMMISSION

(FORMERLY SUSQUEHANNA URBAN CULTURAL PARK COMMISSION)

AS AMENDED  
(May 16, 2012)

PURSUANT TO ARTICLE 5-G

OF THE

GENERAL MUNICIPAL LAW

OF THE

STATE OF NEW YORK

WHEREAS, portions of the City of Binghamton, the Village of Johnson City and the Village of Endicott were jointly designated as the Susquehanna Urban Cultural Park pursuant to a 1977 mandate by the Legislature of the State of New York; and

WHEREAS, the Susquehanna Heritage Area (formerly the Susquehanna Urban Cultural Park) Commission & Advisory Board was recognized in 1987 within the Agreement Establishing the Susquehanna Urban Cultural Park Commission pursuant to Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, the City of Binghamton, the Village of Johnson City and the Village of Endicott entered into such an Article 5-G agreement for the implementation in whole or in part, of the Management Plan for the Susquehanna Heritage Area (formerly the Susquehanna Urban Cultural Park); and

WHEREAS, the Susquehanna Heritage Area Management Plan Amendment (hereinafter referred to as the Management Plan Amendment) approved in 2010 builds and expands upon previous planning efforts that have been developed and implemented since the Urban Cultural Park (now Susquehanna Heritage Area) was first recognized by the New York State Legislature in 1982; and

WHEREAS, the Management Plan Amendment recommends expanding the designated Heritage Area boundary to include all or parts of the Counties of Broome and Tioga as these two Counties are considered to be integral to telling the story of the Susquehanna Heritage Area and both possess significant resources with respect to preservation, education, recreation, and economic revitalization; and

WHEREAS, legislation introduced in the Assembly by Assemblywoman Donna Lupardo as A6299A Chapter 279 Lupardo (relates to expanding the Susquehanna Heritage Area) and same legislation introduced in the Senate by Senator Thomas Libous as S 5534 LIBOUS and signed by New York State Governor Andrew M. Cuomo on August 4, 2011 amends Section 35.03 (1) (h) of Parks, Recreation and Historic Preservation (PRHP) Law to amend the boundary description to coincide with the boundary recommendation of the Management Plan Amendment; and

WHEREAS, Section 35.03 (1) (h) of PRHP Law reads as follows:

*§ 35.03 State designated heritage areas; boundaries. 1. The legislature hereby designates the following historic settings of the state that have been identified for their statewide significance in the plan for a statewide system of urban cultural parks prepared pursuant to chapter seven hundred twenty-seven of the laws of nineteen hundred seventy-seven or that have been subsequently identified and which, upon completion of required management plans and their approval by the commissioner, shall be state designated heritage areas:*

*(h) The cohesive geographical area including all or parts of the counties of Broome and Tioga associated with and revealing the natural features and historic development including the topographical and agricultural landscape, Native American settlement, the revolutionary frontier, early industries, labor practices, manufacturing and innovation, immigration and migration; and*

WHEREAS, the Susquehanna Heritage Area encompasses the related and cohesive geographical areas of Broome and Tioga Counties associated with the regional themes of natural resources, Native Americans and industrial development; and

WHEREAS, the Susquehanna Heritage Area is one of a current system of recognized Heritage Areas which have been identified across New York State to preserve, enhance and depict the natural, cultural, social and historical resources and events which have contributed significantly to the development of this State and to reflect the cultural themes of the State's development and will provide educational, inspirational, economic and recreational benefits for present and future generations; and

WHEREAS, the Management Plan Amendment identifies a series of strategies for communities in Broome and Tioga Counties to implement the New York State Heritage Area's program's objectives of preservation, recreation, education, and economic benefits for the public at large; and

WHEREAS, implementation of such Management Plan Amendment requires the joint effort and collaboration of the cohesive geographical areas of Broome and Tioga Counties on a sustained basis; and

WHEREAS, Article 5-G of General Municipal Law enables municipal corporations to enter into agreements for the performance of certain functions, powers and duties on a cooperative contract basis; and

WHEREAS, this Amendment to the original Agreement of 1987 addresses the composition of the Susquehanna Heritage Area Commission necessitated by an expanded boundary;

Now THEREFORE be it RESOLVED, that the municipalities recognized as participating in the Susquehanna Heritage Area recognize the following purpose, organization, responsibilities and other articles therein as follows:

#### ARTICLE I: PURPOSE

1. The purpose of this Agreement is to create and establish an organizational structure which can:
  - a. Legally plan, develop and operate the area identified and designated as the Susquehanna Heritage Area.
  - b. Formulate on-going policy related to implementation of the Management Plan Amendment.
  - c. Accept and disperse funds, acquire, improve and dispose of property, manage, update and maintain appropriate facilities, promulgate and advise on

enforcement of regulations and standards to preserve and protect related resources, and publicize and promote activities, features and events in the Susquehanna Heritage Area.

- d. Equitably represent the interests and needs of the constituent Susquehanna Heritage Area municipalities.

## ARTICLE II: ORGANIZATION

1. There is hereby created a committee to be known as the Susquehanna Heritage Area Commission (hereinafter referred to as the Commission) to consist of two representatives from Broome County, two representatives from Tioga County, and two representatives from each of the participating municipalities representing all or parts of the Counties of Broome and Tioga. One representative shall be the chief elected official of the respective County or participating municipality or his/her designated representative who shall be appointed by and serve for the term of office of the chief elected official of the respective County or participating municipality and one representative shall be appointed as a member-at-large by the chief elected official of the respective County or participating municipality. Members-at-large shall serve for three-year, staggered terms with other at-large members and his/her successors shall be selected in the same manner. The two representatives ultimately serve at the pleasure of the chief elected official.
2. A municipality may participate in this Susquehanna Heritage Area Commission by resolution of its legislative body and subsequent approval of a majority of the Commission.
3. The Commission shall have the authority to select its own chair, vice-chair, treasurer and secretary from among the voting members at the first meeting of each year.
4. The Commission chair shall have the authority to appoint standing and ad hoc committees as deemed appropriate by the Commission.
5. The Commission shall meet at least six (6) times a year to discuss the business of the Susquehanna Heritage Area. Additional meetings may be called by the chair or by at least two (2) other members of the Commission. All meetings shall be open to the public unless personnel matters are being discussed.
6. The Commission shall decide, by majority vote, all issues that pertain to the development, operation and promotion of the Susquehanna Heritage Area except that annual capital and operating budgets shall be approved by a majority plus one (1) of all voting members.

7. The Commission may establish an Advisory Board to provide a broad base of community involvement in, and to advise on, the policies and operations of the Susquehanna Heritage Area. Such Advisory Board shall consist of the following:
- one (1) representative from Broome County, one (1) representative from Tioga County and one (1) representative from each of the participating municipalities who shall be appointed by the chief elected official of the respective County or participating municipality, representing all or parts of the Counties of Broome and Tioga; and
  - ten (10) Members-At-Large appointed by a majority vote of the Commission with three (3) Members-At-Large appointed from representatives located in Broome County and three (3) Members-At-Large appointed from representatives located in Tioga County and the remaining four (4) Members-At-Large appointed from representatives located in Broome County and/or Tioga County.
- Advisory Board membership shall be limited to two (2) consecutive three (3)-year terms. Terms served by the Advisory Board members appointed by the municipal chief-elected officials shall be staggered by municipality. Terms served by the Advisory Board members appointed by the majority vote of the Commission shall be staggered among these Advisory Board members.
8. A Commission member may designate an alternate to represent him/her in his/her absence at a specific meeting of the Susquehanna Heritage Area Commission. Such designation must be made in writing via e-mail or post mail or hand delivery prior to the meeting, and may be made only for the specific designated meeting of the Susquehanna Heritage Area Commission. Such designation of alternate can occur for no more than two consecutive meetings without prior approval of the chief elected official of the respective County or participating municipality.

### Article III: RESPONSIBILITIES

1. The Commission shall be responsible for the timely implementation of proposals of the Management Plan Amendment and for amending such plan as necessary. This responsibility shall include but not be limited to:
- a. Encouraging the cooperative efforts of local, regional, and state agencies in the interpretation, enhancement, development, and use of the historic, natural, cultural, social, and economic resources of the Susquehanna Heritage Area.
  - b. Conducting periodic review, and modification, as necessary, of the Management Plan Amendment.
  - c. Researching and preparing budgets for capital improvements and operations, as necessary.

- d. Encouraging local preservation efforts and the use of preservation criteria, standards and procedures in local municipalities.
  - e. Assisting with applications for State, Federal, or private funding for public and private projects within the Susquehanna Heritage Area.
  - f. Developing effective marketing techniques and the implementation of promotional opportunities.
  - g. Encouraging preservation, adaptive reuse and economic development within the Susquehanna Heritage Area in accordance with the Management Plan Amendment goals and objectives.
  - h. Encouraging full development of preservation, educational, recreational, and economic opportunities related to the Susquehanna Heritage Area program.
  - i. Assuring effective state-local relationships so as to realize maximum benefit from State programs, activities, and funding opportunities that may benefit the Susquehanna Heritage Area.
2. The Commission shall recommend to the appropriate entities of the Susquehanna Heritage Area, the State of New York, and the United States Congress, or any other appropriate body, certain legislation or other measures needed to fully realize the potential for development and enjoyment of Susquehanna Heritage Area resources and programs.
  3. The Commission shall encourage involvement with the public and private sector and other appropriate entities in cooperative efforts to revitalize Susquehanna Heritage Area resources and to further the Susquehanna Heritage Area goals.
  4. Determinations related to local planning and made by other agencies with planning responsibilities in the Susquehanna Heritage Area shall be made by the jurisdiction entrusted by law with the particular responsibility. This Agreement shall in no way detract from or be interpreted to interfere with such determinations made in accordance with law.

#### ARTICLE IV: PERSONNEL

1. The Commission may hire staff and establish terms and conditions of employment.
2. Employees salaried by the Commission to perform planning, development, preservation, or related activities may perform similar work within the Susquehanna Heritage Area boundary in any of the municipalities as participating employees, provided; however, that such joint use of participating employees is mutually agreed upon by the respective municipality and the Commission.

3. Employees hired specifically and exclusively for work on the Susquehanna Heritage Area program may be employed, for payroll purposes, by one of the constituent municipalities, as mutually agreed upon by the Commission and said municipality. Salary, fringe benefits, and salary related costs incurred by the municipality for such employees shall be reimbursed to the hiring municipality on an equitable basis, to be determined by the Commission.

#### ARTICLE V: PROPERTY

1. The Commission may hold title to property purchased or donated through a grant, private contribution or otherwise, as joint tenants. Property will be disposed of, as needed, in a manner to be determined by the Commission.
2. Any of the constituent municipalities may individually acquire, improve and operate properties or equipment for Susquehanna Heritage Area purposes and in accordance with Susquehanna Heritage Area objectives. Such property or equipment may be credited toward that municipality's contribution to the Susquehanna Heritage Area program in a fair and equitable manner to be determined by the Commission.

#### ARTICLE VI: EXPENDITURES

1. No expenditures shall be made, and no contract for expenditures of money shall be made, unless money for such expenditures has been appropriated and provided for purposes related to the Susquehanna Heritage Area, without Commission approval.
2. Any contract or other agreement entered into must be approved by a vote of the majority of the Commission membership.

#### ARTICLE VII: COMPENSATION

1. No member of the Commission shall receive compensation for services rendered in carrying out the purposes of this Agreement, except that Commission members may be reimbursed for expenses paid or incurred by them which were reasonably necessary for performance of such services with prior approval of the Commission.

#### ARTICLE VIII: EXPANSION, WITHDRAWAL, TERMINATION

1. Any municipality which shares a contiguous boundary with any of the participants in this Agreement, who can contribute to the purposes and objectives of the Susquehanna Heritage Area, may be included in the Susquehanna Heritage Area if such expansion is approved by the Commission and State of New York per Title G,

Article 35 of the Parks, Recreation and Historic Preservation Law of New York State. The added municipality shall be subject to the provisions of this Agreement.

2. Any municipality and/or county may withdraw from further participation in this Susquehanna Heritage Area Commission at any time by resolution of its legislative body. Upon withdrawal by all participating municipalities and counties, the Commission shall continue in existence only for the purpose of liquidating assets and concluding its affairs.

#### ARTICLE IX: AMENDMENTS

1. This Agreement may be amended by a majority plus one (1) approval of all voting Commission members.

#### ARTICLE X: SEVERABILITY

1. If any Article or part thereof, of this Agreement shall be declared by a court of competent jurisdiction to be partly or wholly voided or unenforceable, the remaining articles or part thereof, shall remain in full force and effect.



IN WITNESS WHEREOF, the Susquehanna Heritage Area Commission hereby approves this Amended Agreement by resolution adopted on \_\_\_\_\_.

CITY OF BINGHAMTON

\_\_\_\_\_  
Matthew T. Ryan, Mayor  
City of Binghamton

\_\_\_\_\_  
Date

VILLAGE OF JOHNSON CITY

\_\_\_\_\_  
Greg Deemie, Mayor  
Village of Johnson City

\_\_\_\_\_  
Date

VILLAGE OF ENDICOTT

\_\_\_\_\_  
John Bertoni, Mayor  
Village of Endicott

\_\_\_\_\_  
Date

COUNTY OF BROOME

\_\_\_\_\_  
Debra A. Preston, County Executive  
Broome County

\_\_\_\_\_  
Date

COUNTY OF TIOGA

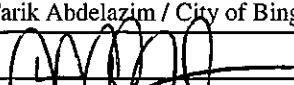
\_\_\_\_\_  
Dale Weston, Chair  
Tioga County Legislature

\_\_\_\_\_  
Date



**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR City of Binghamton	2. PROJECT NAME Reconstruction of Ross Park Amphitheater
3. PROJECT LOCATION: Municipality <u>City of Binghamton</u> County <u>Broome</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) The project location is within the Ross Park zoo campus, which has an address of 60 Morgan Road. Due to the scale of the campus, a map is attached to identify the exact location of the project. There are two project areas: the excavation and removal of existing, deteriorated amphitheater, and the site of the new amphitheater.	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The project will involve the removal of existing amphitheater, which is in complete disrepair, has access and mobility restrictions, has no restroom facilities, and sits in the 100-year floodplain of the preliminary flood maps. After excavation, the site will be reseeded and restored to natural vegetation. The project will also include construction of a new amphitheater on the campus that has none of the above restrictions or risks.	
7. AMOUNT OF LAND AFFECTED: Initially <u>Less than 1 acre</u> acres    Ultimately <u>Less than 1 acre</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: <u>FUNDING - NYS OPRHP (\$300,000, Contract #CE09003)</u> <u>* No permits required - confirmed with DEC: Army Corps</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Tarik Abdelazim / City of Binghamton</u> Date: <u>4.17.13</u> Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER  
1

**Reset**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No.  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No.  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No.  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No.  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No.  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No.  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
<b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

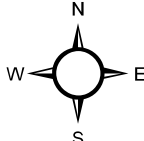
<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)

**Reset**





## Proposed Improvements to Ross Park Amphitheater



0 60 120 180 Feet  
 1 inch = 91 Feet when printed on 8.5" x 11" media

DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.  
 Page 43 of 46

Department of Planning, Housing,  
 and Community Development  
 Web: [www.cityofbinghamton.com](http://www.cityofbinghamton.com)  
 38 Hawley Street, 4th Floor Phone: 607-772-7028  
 Binghamton, New York 13901 Fax: 607-772-7063  
 Map created April 5, 2013  
 By Caroline Quidort, AICP



# Office of the City Clerk

Date Filed: 4-12-13  
License No: NP13-003  
Pd Clk # 1424

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

## NOISE PERMIT APPLICATION

### Event Information

Name of Event: Live music

Date(s)/Time(s) of Event: 5/10, 5/13, 5/16, 5/24, 5/31, 6/7, 6/10, 6/21

Location of Event: Zona & Co. Grille 15 Hawley St Binghamton, NY

Dates/Times of Event: 6/28, 7/12, 7/15, 7/26, 8/2, 8/9, 8/16, 8/29 13901

Sponsoring Organization: \_\_\_\_\_

### Contact Information

mail Name of Applicant: Michael Tulsey

Address: 1533 Pearl St. Vestal, NY 13850

Phone (Home/Work/Cell): 607 972 4443 772 9662 work

### Additional Information

Is Applicant the owner of the property where the event will be located? Yes ☐ No ☒  
(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

Fred meagher will draft letter of consent by monday 4/15

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.

Live music by established bands at a foriable noise level for conversation on patio as well

RECEIVED

APR 12 2013





# Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

umbrellas on patio, volume control by band

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

7-11 pm

By signing below, I acknowledge that in the event the City Clerk issues a permit, the permit shall be valid for the time period requested, but shall be rendered invalid if the actual source of sound authorized under the permit, as measured by a law enforcement officer, causes a continuous noise level in excess of 70 db(A) across any real property boundary.

Applicant Signature

Date

4/10/12



# Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

## This Page Office Use Only

Application contains written consent of property owner where event will take place: Yes ☒ No ☐

Duration of requested permit to exceed three days: Yes ☐ No ☒

Permit granted for the same location, similar event, and for same sponsor within the four weeks prior to this application: Yes ☐ No ☐

Verification of Applicant's signature: Yes ☐ No ☐

Proposed source of sound to cause noise level in excess of seventy (70) db(A) across any real property boundary: Yes ☐ No ☐

## Application Determination

City Clerk: Approved ☐ Denied ☐

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If application is denied, please provide explanation in the space provided below.

Permit not accompanied by fee:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit not accompanied by property owner's written consent:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Requested duration exceeds three days:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit issued within four weeks prior to this application:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sound source will cause noise in excess of seventy (70) db(A):	Yes <input type="checkbox"/> No <input type="checkbox"/>
Applicant's signature was not verified:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Application was incomplete:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Other:

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